

Application No. 10/053,467

Amendment and Response dated October 27, 2005

Reply to Office Action of July 27, 2005

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

Claim 1. (Previously presented) A negative electrode active material comprising:  
a composition A-B-C containing a first element A, a second element B, and a third element C,  
wherein,  
the first element A is copper or iron;  
the second element B is silicon or tin;  
the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and  
the composition A-B-C contains 5 to 40% by weight of the second element B and contains 1 to 50% by weight of the third element C.

Claim 2. (Original) A negative electrode active material according to Claim 1, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 3. (Canceled)

Claim 4. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C has low crystallinity.

Claim 5. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C is amorphous.

Claim 6. (Previously presented) A nonaqueous electrolyte battery comprising:  
a positive electrode containing a positive electrode active material;  
a negative electrode containing a negative electrode active material; and  
a nonaqueous electrolyte,  
wherein,

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the negative electrode active material contains a composition A-B-C having a first element A, a second element B, and a third element C;

the first element is copper or iron, the second element B is silicon or tin, and the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and

the composition A-B-C contains 5 to 40% by weight of second element B and containing 1 to 50% by weight of third element C.

Claim 7. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

Claim 8. (Canceled)

Claim 9. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

Claim 10. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

Claim 11. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

Claim 12. (Original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.